

MICHAEL CETTA INC.'S ANTI-HARASSMENT, ANTI-DISCRIMINATION AND ANTI-RETALIATION POLICY

POLICY AGAINST HARASSMENT AND DISCRIMINATION

2.1 Policy.

The Restaurant is proud of our multi-cultural origin and the environment that it fosters. Accordingly, we are firmly committed to providing an environment free from unlawful discrimination and harassment. Therefore, it is the policy of the Restaurant that no employee shall be subjected to any form of harassment, discrimination, or retaliation by any other employee, supervisor, guest, vendor, or other visitor to our workplace. This includes harassment, discrimination, or retaliation on the basis of sex, race, color, ancestry, national origin, sexual orientation, sexual identity, marital or veteran status, religion, physical condition or disability, mental condition, genetic information, age or any other characteristic protected by law.

The Restaurant can not and will not permit any form of conduct, verbal, physical, written, oral or visual, which violates the rights of other employees to work in a harassment-free and discrimination-free environment. The conduct described in this policy is not only strictly prohibited by the Restaurant, but harassment or discrimination in employment because of sex, race, color, ancestry, national origin, sexual orientation, sexual identity, marital or veteran status, religion, physical condition or disability, mental condition, genetic information, or age is PROHIBITED BY STATE, LOCAL AND FEDERAL LAW as well.

The Restaurant does not tolerate any form of harassment, discrimination, or retaliation, even when it does not rise to the level of a violation of law. This policy applies to any employee, supervisor, manager, co-worker, professional, customer, contractor, vendor, client, or any non-employee who conducts business with the Restaurant. Employees who violate this policy may be subject to discipline up to and including termination.

2.2 Purpose.

This formal policy against harassment and discrimination is formulated to protect our employees against any form of conduct which a reasonable person would neither welcome nor expect, taking into account the sensitivities of the employee, with respect to sex, race, color, ancestry, national origin, sexual orientation, sexual identity, marital or veteran status, religion, physical condition or disability, mental condition, genetic information, age or other characteristic protected by law. As to the prohibition against sexual harassment, this policy is formulated to protect all employees, both male and female, against unsolicited and unwelcome sexual overtures and conduct, whether physical, verbal, written, oral or visual in nature.

2.3 Definitions.

Sexual harassment encompasses the following:

- Any demand or subtle pressure for sexual favors that is accompanied by a promise or suggestion of favorable job treatment or threat against an employee's employment status; and/or
- Any behavior that is offensive to a reasonable person, including, without limitation, repeated sexual flirtations or propositions, comments or jokes of a sexual nature, suggestive gestures, leering, sexually degrading words, verbal or written comments about a person's body or other suggestive comments, the display of sexually suggestive objects or pictures, and uninvited physical contact or touching; and/or
- Retaliation based on rejection, in whole or in part, of sexual advances or for complaining about sexual harassment in the workplace.

The above activities are expressly prohibited as between any and all Restaurant employees, regardless of the gender or sexual orientation of those involved.

Other forms of harassment include creation of a hostile work environment due to an employee's race, color, national origin, sexual orientation, sexual identity, ancestry, marital or veteran status, religion, physical condition or disability, mental condition, genetic information, or age, or retaliation for reporting any such form of harassment. Unlawful discrimination may be based on race, color, national origin, sexual orientation, sexual identity, ancestry, marital or veteran status, religion, physical condition or handicap, mental condition, or age, whether or not it involves harassment, and any form of retaliation for reporting discrimination on any such basis.

2.4 Reporting of Violation.

Any employee who believes he or she is a victim of a form of unlawful harassment, discrimination, or retaliation is to report the matter to his or her supervisor, the General Manager, the Restaurantor, or any other supervisory person as soon as possible after an incident occurs. The employee is not required to report through any particular chain of command, and certainly is not required to report or discuss the matter with any supervisor engaging in improper conduct. The Restaurant shall promptly and thoroughly investigate all claims of unlawful harassment, discrimination, or retaliation. The confidentiality and privacy of employees will be respected during the investigation, with efforts made to avoid any unwarranted publicity or invasions of privacy.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the Restaurant strongly urges that any complaints or concerns be promptly reported so that rapid and constructive action may be taken.

2.5 Retaliation.

The Restaurant strictly forbids retaliation against any employee who engages in any activity protected under Title VII, including: reporting or filing a charge of discrimination or harassment; opposing acts of discrimination or harassment; testifying about alleged discrimination or harassment; assisting or participating in any way in investigation or enforcement proceedings; and participating in litigation alleging discrimination. . “Retaliation” can occur if any adverse employment action is taken against an employee because the employee made a complaint of harassment or participated in the Restaurant’s investigation of a complaint. Such conduct will itself give rise to appropriate corrective action which typically results in termination. Examples of strictly prohibited retaliatory action include but are not limited to:

- Disciplining, changing work assignments of, refusing to cooperate or discussing work-related matters with any employee because that employee has complained about or resisted harassment or retaliation; and
- Intentionally pressuring, falsely denying, lying about, or otherwise covering up or attempting to cover up conduct such as that described in any item above.

2.6 Disciplinary Action.

Depending on the results of the investigation of a claim of unlawful harassment, discrimination, or retaliation, disciplinary action up to and including termination will be taken against any employee the Restaurant believes, in its sole discretion, to have violated this policy against unlawful harassment, discrimination, or retaliation.

2.7 Equal Employment Opportunity.

The Restaurant believes that all employees are entitled to equal employment opportunity, and that the success of the Restaurant is primarily dependent on you, our employees. We do not discriminate against employees or applicants for employment because of race, age, ancestry, creed, color, religion, gender, sexual-orientation, gender identity, marital status, national origin, handicap, physical or mental disability, veteran’s and/or military status, or any other characteristic protected under applicable federal, state and local law. This policy applies to all employment practices of the Restaurant including, but not limited to, recruiting, hiring (or failure to hire), placement, promotions, transfers, training, compensation, fringe benefits, demotions, layoffs and harassment, sexual or otherwise, in the workplace.

Similarly, the Restaurant believes that all guests are equally entitled to a courteous, prompt and enjoyable dining experience. As such, the Restaurant does not in any way discriminate, nor permit its employees or others to in any way discriminate, against patrons based upon legally protected characteristics.

In support of this policy, the Restaurant will not permit the use of racial, religious, age-related, sexual or ethnic epithets, innuendoes, slurs or jokes. Accordingly, epithets, innuendoes, slurs or jokes related to membership in any of the above listed categories are prohibited, even though that conduct may not itself be unlawful. All employees shall conduct themselves in a professional manner and shall refrain from sexual advances, verbal or physical conduct of a sexual nature, or requests for sexual favors.

Any employee who violates this policy and our commitment to equal employment opportunity shall be subject to discipline up to and including an unpaid suspension or termination of employment.

Any claim of discrimination or harassment should be reported to your manager, the General Manager, the Restaurant or any other supervisory person.

2.8 Americans With Disabilities Act

The Restaurant's policy and practice is to comply with the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities.

"Disability" includes a physical or mental impairment that substantially limits one or more life activities, a record of such impairment, or being regarded as having such an impairment.

The company is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. Reasonable accommodation is available to all employees and applicants as long as the accommodation doesn't cause undue hardship on the company. Individuals should contact their supervisor, or manager concerning an accommodation if one is needed.

The Restaurant strictly forbids any retaliation, as defined in Section 2.5, against any employee who makes a request for a reasonable accommodation.

2.9 Fraternization.

Employees at the Restaurant are expected to treat each other with respect and in a professional manner at all times. Consenting romantic, intimate, sexual or dating relationships between a person in a direct or indirect supervisory role and a supervisee in the workplace, or among peers/colleagues in the same department or workspace may at some point lead to unforeseen disruption, complications and significant difficulties for all concerned. Relationships of this nature are, therefore, contrary to the best interests of the Restaurant and may create actual or potential conflicts of interest, the appearance of a conflict, exhibit favoritism or create animosity among employees. Accordingly, individuals involved in such relationships must disclose the relationship to the Restaurant Administrator immediately. Such disclosure is required even if the individuals involved are uncertain whether a supervisory relationship or conflict exists.

The Restaurant recognizes the imprecision of and the variety of meanings that can be given to the terms "romantic" and "intimate". We hope that the parties to such a relationship will appreciate the meaning of the term as it applies to them and as it relates to this policy. If doubt exists, the parties should disclose the relationship as set forth above to enable the Restaurant to determine what, if any, steps are appropriate.